

**Notice of Allowability**

Application No.

09/585,701

Examiner

Aravind K. Moorthy

Applicant(s)

ASSMANN, CLAUSS

Art Unit

2131

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 4 February 2005.
2. ☒ The allowed claim(s) is/are 1-35.
3. ☒ The drawings filed on 31 May 200 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All    b) ☐ Some\*    c) ☐ None    of the:
    1. ☐ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.


Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
  6. ☐ CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.
    - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached
      - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
    - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08),  
Paper No./Mail Date \_\_\_\_\_
4. ☐ Examiner's Comment Regarding Requirement for Deposit  
of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413),  
Paper No./Mail Date \_\_\_\_\_
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_

  
ARAVIND K. MOORTHY  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2100

### **DETAILED ACTION**

1. This is in response to the communications on 4 February 2005.
2. Claims 1-35 are pending in the application.
3. Claims 1-35 have been allowed.

#### ***Response to Arguments***

4. Applicant's arguments, see pages 10-11, filed 3 January 2005, with respect to claims 1-35 have been fully considered and are persuasive. The rejection of the claims has been withdrawn.

After further consideration, the examiner withdraws the double patenting rejection. After comparing the current application with application 09/562,523, the claims are substantially different.

#### ***Allowable Subject Matter***

5. Claims 1-35 are allowed.

The following is an examiner's statement of reasons for allowance:

As to independent claims 1, 16 and 31, prior art teaches attempting to authenticate a client through the use of certificates in order to establish a secure connection (Genty et al U.S. Patent No. 6,675,225 B1). Prior art teaches determining whether the encryption employed meets a predefined minimum encryption strength (Tsunoo U.S. Patent No. 6,310,956 B1).

However, prior art does not disclose, teach or fairly suggest receiving at a message transfer agent (MTA) a request from a client for establishing a secured connection with the MTA for sending an e-mail message. Prior art does not disclose, teach or fairly suggest that if the client cannot be authenticated, terminating the method without establishing the secured connection and without sending the e-mail message. Prior art does not disclose, teach or fairly

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suggest that if the client can be authenticated, establishing the secured connection between the client and the MTA.

The closest prior art to the current application was Genty et al. Genty et al differs from the current application in that there is no MTA. Genty et al does not teach receiving a request for establishing a secure connection. Genty et al does not teach determining whether the encryption employed for the secured connection meets a predefined minimum encryption strength. Genty et al does not teach that if the encryption employed does meet the predefined encryption strength, terminating the secured connection without sending the e-mail message and that the method terminates. Genty et al does not teach if the encryption employed does meet the predefined minimum encryption, sending the e-mail message.

The dependant claims, being further limiting to the independent claims, definite and enabled by the specification are also allowed.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."


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*Conclusion*

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Aravind K. Moorthy whose telephone number is 571-272-3793. The examiner can normally be reached on Monday-Friday, 8:00-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ayaz R. Sheikh can be reached on 571-272-3795. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Aravind K Moorthy   
April 15, 2005

  
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